

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MICHAEL KING,

Plaintiff,

-against-

THE CITY OF NEW YORK, WILLIAM EISNER,  
CRAIG KEARNEY, MICHAEL CENTRONE, DWAYNE  
FRANCIS, DION EDWARDS, ROBERT MALONEY,  
BRIAN CORRELL, LUIS DEMARCO, U/C #C0097, U/C  
#C0021, and JOHN DOES 1-10 Consisting of Individuals  
To Be Determined,

Defendants.  
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**STIPULATION OF  
SETTLEMENT AND  
ORDER OF DISMISSAL**

09 Civ. 3179 (RRM) (JO)

**WHEREAS**, plaintiff commenced this action by filing a complaint on or about  
July 23, 2009 alleging violations of his constitutional rights and common law rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's  
allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation,  
without further proceedings and without admitting any fault or liability; and

**WHEREAS**, plaintiff has authorized his counsel to settle this matter on the terms  
set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and  
without costs, expenses, or attorneys' fees except as provided for in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff the sum of **Fifteen Thousand Dollars (\$15,000.00)** in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all claims against the named defendants, the City of New York, William Eisner, Craig Kearney, Michael Centrone, Dwayne Francis, Dion Edwards, Robert Maloney, Brian Correll, Luis Demarco, U/C #C0097 and U/C #C0021 with prejudice, and to release all defendants, including the individuals named here as "JOHN DOES 1-10" and any present or former officials, employees, representatives and agents of the City of New York, or any agency thereof, including but not limited to the New York City Police Department, from any and all liability, claims, or rights of action under state or federal law, that were or could have been alleged in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiff shall execute and deliver to defendant's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
May 20, 2010

Thomas Anthony Telesca, Esq.  
*Attorney for Plaintiff*  
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By:   
THOMAS A. TELESCA, ESQ.

MICHAEL A. CARDOZO  
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and Lieutenant Maureen Gill*  
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By:   
STEVEN J. AULETTA  
Assistant Corporation Counsel

SO ORDERED:

s/RRM

HONORABLE ROSLYNN R. MAUSKOPF  
UNITED STATES DISTRICT JUDGE

5/28/10